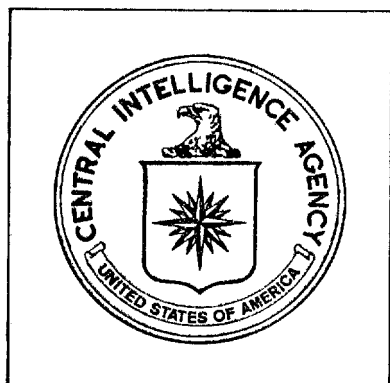


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Law of the Sea Country Study

India

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BGI LOS 74-13
May 1974

NATIONAL SECURITY INFORMATION
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Law Of The Sea Country Study Supplement

BGI LOS 74-13 SUPP
August 1975

Republic of India

At Caracas and Geneva, India bowed to the will of other wide-margin states and dropped its key LOS stance -- that coastal-state seabeds should be cut off at 200 miles to forestall leaving "virtually nothing" for the international community. It now favors extending national seabeds to the outer edge of the continental margin but insists that revenues from mineral resources beyond 200 miles should be shared with underdeveloped states through the proposed international authority.

Seabeds are increasingly important to India as the world energy crisis, plus New Delhi's goal of oil self-sufficiency by the 1980s, spur the search for oil resources offshore and on. Its sole producing offshore field, Bombay High in the Gulf of Cambay, may yield at least 1 million metric tons this (its second) year and 10 times as much within 5 years. With foreign assistance others may soon be developed in areas from the Kutch Basin and Saurashtra to Lakshadweep off the west coast, in the Cauvery Basin off the southeast coast, and in the West Bengal-Orissa Basin off the northeast coast. Interest in these and other seabed resources has prompted India to start delimiting its maritime boundaries; agreements have been signed with Indonesia and Sri Lanka but not yet with its other six neighbors. New Delhi is having problems with Dacca, which wants the median line bent slightly westward to compensate for area denied by its curved shoreline. India disagrees, both to avoid setting a bad precedent and also to assure its presence in the area should suspected large oil reserves be found. American firms are independently conducting the search for the two countries.

This supplement was prepared by the Office of Geographic and Cartographic Research to support the NSC Interagency Task Force on the Law of the Sea. The supplement updates, but is not a replacement for, BGI LOS 74-13. Comments and questions may be directed to Code 143, Extension 2257.

At Caracas India also adopted the prevailing view on fisheries; rather than a 100-mile exclusive fishing zone, it now favors a fishing zone coincident with the 200-mile economic zone.

India's other LOS positions are largely the same as before Caracas, but some have been altered by events or were more sharply defined at the Caracas and Geneva sessions.

Before the two meetings India strongly opposed all sea-related nuclear activities. Doubts it voiced about "free" vs. "innocent" passage in straits stemmed from a fear of ship-based nuclear emissions. India still opposes the placement of nuclear and other mass-destruction weapons on the seabed and ocean floor but has changed its view on nuclear vessels since becoming the world's sixth nuclear power in May 1974 and is seriously considering acquiring some for its navy and merchant fleet. With this, it appears India's support for the U.S. view on unimpeded straits transit is now conclusive.

Before Caracas the only archipelago comment from India, which has two archipelagos and about 1,000 islands, was that it opposed any claim that restricted passage through traditional shipping channels. At Caracas, however, India called for a "suitable regime" for archipelagos and islands and urged that "no distinction" be made among archipelagos that: constitute a single state, are an integral part of a coastal state, or are some distance away from a coastal state. India's "Mr. LOS," Dr. S. P. Jagota, particularly stressed that the Andaman and Nicobar archipelago -- which he called an "extension of the Indonesian chain" -- be handled on a par with Indonesia or any other archipelago. After the India-Indonesia delimitation agreement was signed in August 1974, however, India's concern over "unequal treatment" apparently vanished and its spokesmen said nothing about archipelagos at Geneva.

In an international forum and particularly in a "Group of 77" frame of reference, India tends to voice its opinions more forcefully than it does in low-key, factual meetings with U.S. officials. What had seemed fairly bland views on scientific research and marine pollution, for instance, appeared more pointed as India led the push for exclusive coastal-state control in these areas. By and large, however, India's LOS stance continues to be shaped by the same world position it had before Caracas and Geneva: to be neutral vis-a-vis the major powers, to champion the underdog -- in this case landlocked and narrow-margin states -- and to be a major spokesman for underdeveloped nations. India's future LOS role more than likely will blend these international objectives with its own national priorities.

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED]

[REDACTED] Part II provides basic data and information bearing on law of the sea matters.

This study was prepared by the Office of Basic and Geographic Intelligence. Biographic support was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the IOS Country Studies Working Group, Code 143, Extension 2257.

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ANNEX

Draft articles submitted by India to the Seabed Committee
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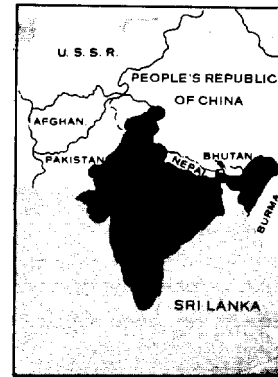
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INDIA

Part I - Law of the Sea Analysis

A. SUMMARY

India--with a 3,600-mile coastline, dependency on merchant shipping for its chief international trade, and large potential offshore resources--has in recent years developed an interest in the sea and in such world oceanic activities as the UN Seabed Committee. Its Law of the Sea (LOS) policy--though more pragmatic than mystic--is best explained by the Buddhist maxim *Sangham Saranam Gachchami*, defined by an Indian LOS official as "Surrender thyself to the community since individually you cannot even get a hearing, let alone victory. In unity is strength."



To assure reasonable access to the sea for all, India believes coastal states, like itself, must limit their territorial demands to forestall leaving "virtually nothing" for the international community. Although India claims a 12-n. mile territorial seas limit, it favors a 12-to-18-mile contiguous zone for quarantine, health, and customs purposes; a 100-n. mile fisheries zone (outside the territorial sea); and a 200-n. mile resources zone, which includes the smaller zones. It approves foreign access to all these areas under certain conditions. India jointly drafted (with Sri Lanka, Canada, and Kenya) a major fisheries proposal (see Annex), and it firmly supports the idea of an international seabed authority.

In LOS matters, as in all foreign affairs, India strives to balance its role as spokesman for the developing Asian-African states with its desire for harmony vis-a-vis East and West. It particularly champions the cause of the landlocked states (there are three on India's north-eastern border). India insists that they have the same rights in the seas as coastal and transit states and share the benefits, perhaps on a preferential basis, derived from seabed exploration. Indian officials stress that the Caracas conference will fail unless landlocked states receive fair treatment and high seas resources are equitably distributed.

While skillfully juggling its relations with the United States, U.S.S.R., and other leading powers, India, nevertheless, does not hesitate to oppose certain policies it considers unacceptable. Chief among

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these are nuclear activities that it feels may harm other nations whether it be France's atmospheric testing in the South Pacific, the possible ejection of radioactive pollution from nuclear ships and submarines, or the possible placement of nuclear or other weapons of mass destruction on the ocean floor. India has stated there is "no place" for the "arms race in relation to the waters" and it cosponsored, along with 26 other states, the UN's 1972 resolution declaring the Indian Ocean a "zone of peace" to support this position. Officials insist that the underground blast that made India the world's sixth nuclear power on 18 May 1974 was a "peaceful nuclear explosion experiment" in a program designed only for such "peaceful uses" as deepening and widening ports, mining and earth-moving.

India has not flatly opposed all policies advocated by the United States and U.S.S.R. at LOS preparatory sessions and has even reserved its comments on some issues it is known to oppose. Indian LOS officials generally are reasonable, realistic, flexible, and quite willing to give a conscientious hearing to the points of view of other states. India unquestionably would like to see the Caracas conference succeed and is willing to assume its share of the necessary give-and-take to see that it does.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features

India juts southward into the Indian Ocean, its 3,600-mile coastline washed by the Arabian Sea to the west, the Laccadive Sea to the south, and the Bay of Bengal to the east. India's Laccadive Islands in the Arabian Sea and Andaman and Nicobar Islands in the Bay of Bengal have a total coastline of about 700 miles. The subcontinent's underseas projection is broad and extends far to the south. When theoretically apportioned with its sea neighbors, India's share of the adjacent continental margin is an estimated 340,000 square nautical miles--or about 2 1/2 percent of the world's total continental margin. Its continental shelf area, measured to the 200-meter line, is decidedly greater on the west coast, where it ranges from at least 50 miles off-shore to 100 miles or more north of Bombay. Along the east coast, the shelf generally falls within much less than 50 miles except near Calcutta where it extends out to about 90 miles.

Uses of the Sea

Mineral Resources -- India has done some offshore exploration for natural resources, notably gas and oil, as part of its developmental goal toward national self-reliance by 1979. It still must import almost two-thirds of its crude oil needs, which have mounted by 9% a year since 1950. Oil-bearing structures have been indicated in 11 locations in the Gulf of Cambay (Khambhat), Bay of Bengal, Gulf of Mannar, and the Palk Strait.

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A major breakthrough came in February 1974 when the Sagar Samrat ("Sea King"), a government-owned drilling platform built in Japan under U.S. supervision, struck oil from a 962-meter depth on the Bombay High in the Gulf of Cambay. Possible reserves in this area are estimated at 500 million metric tons. Off-shore Company International of Houston, Texas was involved in these initial stages but, if full-scale development is pursued the Indian government plans to balance its contracts (estimated at \$300-\$600 million) among companies from several countries.

Earlier Soviet efforts to drill for offshore oil in India foundered because of a lack of expertise, such as an inability to fix a rig in place or to cope with such problems as high underground pressure and rock cave-ins. However, the U.S.S.R. still works closely with India in exploring and developing onshore oil and gas resources.

Other offshore mineral resources include manganese nodules in the Indian Ocean, phosphates off the Andaman Islands, and monazite-ilmenite sands off the Arabian seacoast. India is unlikely to exploit these in the near future, however, because it has large, more accessible on-shore deposits of the same minerals.

Living Resources -- India is one of the world's ten largest catchers of fish (1.9 million metric tons in 1972), but one of its smallest consumers. Many Indians for religious reasons will not eat animal protein, and regular fish eaters are too few to raise the annual consumption level beyond ten pounds per capita, compared to 37 pounds in Sri Lanka.

About 65% of the catch comes from the sea, chiefly along the west coast, and the rest from inland waters. Sardine, mackerel, prawns, and Bombay duck account for over half the marine catch, of which the major part is marketed fresh in the coastal areas, a large part is cured, and the rest canned or made into fish meal. Shrimp accounts for only 10% of the marine catch, but exports of frozen shrimp are large enough to comprise nearly one-fourth the international trade in shrimp products, making India the world's number one shrimp exporter.

India's fishing industry is underdeveloped; technical and equipment limitations have confined fishing to a few miles from the coastline. Foreign assistance from the Food and Agriculture Organization, the Colombo Plan, and other global and regional agencies has facilitated a start in offshore exploratory and experimental fishing, the construction of major fishing harbors, and the training of technical manpower. In its Fifth Five-Year Plan (1974-79) India has provided for the increase of mechanized coastal vessels from 13,000 to 20,000 and the purchase of 300 deep-sea trawlers. Presently, fishing harbors at various points around the coast are being developed, and the storage, processing and transportation infrastructure for deep-sea fishing is being improved.

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India believes each coastal nation should have an exclusive 100-mile fishery zone outside its territorial waters, to which other countries would have access if invited or licensed.

Marine Transportation -- Merchant shipping is vital to trade-dependent India whose chief international links are by sea. Its 257-ship fleet (1,000 gross register tons or over), jointly owned by government and private companies, is second in Asia only to that of Japan in size and modernity; it is steadily growing. It has been so outstripped by mushrooming foreign trade, however, that it can carry only about a fifth of the nation's seaborne trade.

Over 90% of the fleet is used in scheduled (liner) and nonscheduled (tramp) trade. Liner services are maintained between India and the United Kingdom, Europe (North, Baltic, Mediterranean, Adriatic, and Black Seas), the United States, Canada, South America, Africa, Australia, New Zealand, Japan, Malaysia, and other southeast Asian countries. Passenger and combination passenger-cargo ships operate on the routes between India and the Andaman and Nicobar Islands and to and from the east coast of Africa; they also carry Muslims to Jeddah in Saudi Arabia during the annual pilgrimage to Mecca.

India's already scant port facilities have been clogged and over-taxed by the large volume of foreign trade; four of its seven major ports are being enlarged or improved to relieve the situation. Trade with the country's chief suppliers of development imports--the United States, the European Common Market, Eastern Europe and Japan--has grown faster than it has with the United Kingdom and some Asian countries.

Naval Considerations -- India's navy is a coastal, escort, and anti-submarine warfare force. Its chief missions are to defend territorial waters and protect coastal shipping. The navy is trying to fulfill these missions and at the same time assume a greater presence in the Indian Ocean. The navy was patterned after, conditioned by, and long supported by the British Navy, of which it was a part until 1947; but for the past decade, the U.S.S.R. has been its chief supplier of equipment and training. India has ignored Soviet restrictions against use of its ships in units that included Western-supplied vessels--an apparent effort to make India more dependent on the USSR for naval training. The Indian Navy has, in fact, mixed Soviet- and Western-built ships and craft so that personnel may be cross-trained and learn to operate together effectively.

Political and Other Factors

Nonalignment keynotes Indian foreign policy as it has since the days of Jawaharlal Nehru, but time has eroded the original contours. The two main thrusts have been: to be spokesman and leader of the developing

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nations of Asia and Africa; and to steer a middle course between the United States and the U.S.S.R., so as to maximize diplomatic, economic, and military support from both superpowers. Over the years India has tried to carry out the first objective at the United Nations, UN specialized agencies and other international bodies, though early hopes for an Afro-Asian "third force" to bridge the East-West bloc waned after Nehru's death in 1964. Success, especially economic, has been realized in the second goal; by the early 1970's India had received the largest amount of Communist economic aid of any non-Communist country and several billions in U.S. assistance. The fragile U.S./U.S.S.R. balance was temporarily upset in August 1971, however, when New Delhi in seeking support in its conflict with Pakistan signed a friendship treaty with Moscow.

India's military victory in 1971 and emergence as dominant power on the subcontinent revived its national self-assurance and its determination to play a more influential regional and international role. India is mending its fences with Pakistan and set the stage for rapprochement between that nation and Bangladesh, has cool though correct relations with the People's Republic of China, gets along well with the north-eastern border states and Sri Lanka, and has concluded various treaties with other Asian nations. India belongs to the U.N. Seabed Committee, the Afro-Asian Legal Consultative Committee, and the Group of 77; it maintains close ties with the United Kingdom, its former colonial ruler, through the British Commonwealth.

India's original foreign policy goals are evidenced in LOS matters. It has continued in its efforts to assure that developing, and otherwise disadvantaged, countries receive a fair share of the world's marine resources; it cosponsored the 1972 Indian Ocean as a Zone of Peace resolution; and it insists that the international arms race has "no place . . . in relation to the waters."

C. LAW OF THE SEA POLICY

Territorial Seas

Since 1967 India has claimed a 12-n. mile territorial sea limit, established on archipelago baselines. The limit has been doubled twice from its 1878 figure of 3 nautical miles. India favors a small contiguous zone for quarantine, health and customs purposes and wider zones for fishery and economic resources. It strongly holds that the zone question should be distinct from that of the territorial waters, which it feels have been marked strictly for political and strategic reasons.

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Straits

India supports the idea of unrestricted merchant traffic through straits, recognizing coastal states' authority to designate sealanes, traffic separation schemes, or other steps needed for navigational safety. New Delhi has doubts about "free" as opposed to "innocent" transit, however, and has questioned U.S. foreign policy assumptions requiring the right of submerged transit for submarines.

Archipelagos

India opposes the type of archipelago claim made by Indonesia and the Philippines, insisting that traditional shipping channels remain open as in the past. Since India's Laccadive Islands and Andaman and Nicobar Islands are archipelagos, it is possible that India might someday claim some kind of archipelagic status for these offshore islands.

Coastal State Jurisdiction Beyond the Territorial Sea

India holds that coastal states have the right to claim jurisdiction over marine resources within and beyond their territorial seas, but couples this right with an obligation to neighboring states, to countries that are landlocked or otherwise disadvantaged, and to the world community at large. For itself, the country favors a small contiguous zone for quarantine, health and customs purposes, a 100-n. mile exclusive fishing zone (beyond the territorial sea) and a 200-n. mile exclusive seabed resource zone, which includes all intervening zones. Within these zones, India would allow developing coastal or landlocked neighbors to participate in certain areas and would welcome other international interests on an invitational or licensed basis. Neither type of zone would affect international freedom of navigation, laying of underwater cables, or overflight.

India contends that worldwide resource zonal boundaries should be geared to special national and international needs. A nation whose exclusive fishing zone has a narrow outer limit might merit an added preferential zone, while a nation with a broad continental shelf like India's might relinquish some seabed claims in the international interest. India's main LOS delegate, Dr. Jagota, insists "virtually nothing" would be left for the international community if all coastal states extended seabed jurisdiction to the outer edge of the continental margin, although India would profit from such a policy since its own outer edge extends far beyond 200 n. miles at some points. To forestall such an international shortchange, India urges a uniform cutoff of seabed jurisdiction at 200 n. miles (measured at a straight distance from appropriate baselines along the coast).

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Fisheries

The draft articles on fisheries introduced by India, Sri Lanka, Canada, and Kenya at the UN Seabed Committee in July 1973 (see Annex) note a coastal state's special interest in the productivity of living resources in seas adjoining its exclusive fishery zone, and that it may take suitable steps to protect that interest. Whatever preferential resource and catch rights a coastal state might exercise would have to conform to regulations established by coastal, regional, and international authorities, which would manage cooperatively all living resources outside the exclusive fishery zones. Disputes on fishing activities beyond the exclusive fishery zone would be referred to an international authority specifically designated by the LOS Conference.

Deep Seabed

India fully backs the UN General Assembly's "common heritage of mankind" declaration on the seabed (December 1970), and it has played a key role in the consideration of the type of international regime that might best govern seabed exploitation. India believes national jurisdictional limits must be fixed before any seabed machinery is established, particularly since the 1958 Continental Shelf Convention's "elastic" provisos led some states to claim and exercise rights over seabed areas and resources neither adjacent to the coast nor limited by any criterion of water depth or distance from the coast. India strongly urges worldwide adoption of a uniform straight-distance criterion of 200 n. miles (measured from appropriate baselines along the coast) beyond which the international regime would have control.

The International Seabed Authority (ISA), India's suggested name, would be open to all states party to the seabed convention and should not be organizationally linked to the UN or other international bodies. As mankind's seabed trustee, ISA would focus on exploration and exploitation of the international seabed, protection of marine environment and prevention and control of pollution, scientific and technological research, and peaceful uses of the seabed. ISA might follow India's "mixed approach" to exploration/exploitation--some areas are worked by government corporations while others are left to private licensees or lessees. The major parties in this instance would be ISA with states or groups of states. Revenues should be equitably shared by ISA member states, with "particular consideration" for developing countries (landlocked and coastal).

ISA structure might consist of: 1) an Assembly, with representatives from each ISA member state, that would meet every 1 or 2 years to approve major decisions of other ISA organs and give general policy direction; 2) a Council of 35 members, 3 from landlocked states, that would equally represent the major geographic areas, meet continuously,

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and be in overall charge of ISA functions; 3) an Economic and Technical Commission that would be an advisory body of 10 international specialists elected to 5-year terms by the Assembly on Council recommendation; 4) a Seabed Corporation that would be a separate legal personality with its own share capital and separate budget and would conduct direct seabed exploitation for the ISA; 5) a settlement tribunal; and 6) a small secretariat.

Prior to formal action by the forthcoming LOS Conference, India would oppose all unilateral attempts to set up an interim regime or to conduct seabed exploration/exploitation, unless such attempts advance "the development of an international regime on the seabed."

Marine Pollution

India believes that since the marine environment is of common concern to the international community all states should cooperate to protect and preserve it. In particular, specific laws should be adopted to offset the generalities of existing international pollution documents. These laws, India holds, should define marine pollution, identify its sources on land and sea, outline control measures, determine legal liability, create a compensation fund, set up regional monitoring and measuring arrangements, and provide assistance, education and training to developing countries on pollution control.

While favoring specific laws, however, India does not sanction uniform control standards for all kinds of pollution. International control standards should apply coast-to-coast for seabed pollution; but vessel-pollution controls should be either national or international, depending on individual situations. India stresses the importance of ensuring that flag-country ships not pollute coastal waters and shores.

India is particularly concerned about the physical and political ramifications of anything nuclear vis-a-vis the ocean (see Peaceful Uses of the Sea).

Scientific Research

India endorses global cooperation in the marine sciences. It favors international research within individual national fishing or resources zones with the consent of the nation concerned and the participation of that nation's scientists. India supports such proposals as the International Decade of Ocean Exploration and the UN assistance programs in marine science and technology as a means to help developing countries reduce their dependence on advanced nations.

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Peaceful Uses of the Sea

India, although it became the world's sixth nuclear power with its underground nuclear blast on 18 May 1974, strongly opposes all sea-related nuclear activities. It fears radioactive pollution by nuclear ships and submarines, and it objects to the idea of nuclear or other weapons of mass destruction being placed on the seabed and the ocean floor. In 1972 India cosponsored the UN resolution to consider the Indian Ocean as a Zone of Peace; and in 1973 it opposed atmospheric nuclear testing (jointly with Australia), citing UN and WHO resolutions on the effect of ionizing radiation. "Ultimately," an Indian LOS delegate observed, "it is only by promoting the peaceful and beneficial uses of the oceans that it will be possible to advance a peace system in which the arms race in relation to the waters simply will have no place."

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

India has a parliamentary form of government with effective political power centered in the Prime Minister, Indira Gandhi, and her cabinet.

Several Indian delegates are articulate on various LOS matters, but India's "Mr. LOS" is Dr. S.P. Jagota, Joint Secretary and Legal Adviser of the Ministry of External Affairs. U.S. Embassy officials in New Delhi speak of Jagota as "virtually the only person in the Indian Government who really has a full grasp of the whole range of LOS issues."

Two other able representatives are Messrs. P.C. George, Joint Commissioner (Fisheries) of the Ministry of Agriculture; and C.V. Ranganathan, Counselor of Embassy in Bonn.

India's representatives at preparatory sessions for the Third UN Conference on LOS or the organizational session of the Conference are as follows:

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Name and Title (as they appear
on the latest UN listing)

H.E. Dr. P. K. BANERJEE
Ambassador Extraordinary and
Plenipotentiary
Permanent Representative to the UN

Mr. M. C. BASU
Senior Specialist
Planning Commission
Government of India

Mr. S. M. S. CHADHA
Director
United Nations Division
Ministry of External Affairs

Commodore F. L. FRASER
Chief Hydrographer to the
Government of India, Dehradun

*Mr. P. C. GEORGE
Joint Commissioner (Fisheries)
Ministry of Agriculture

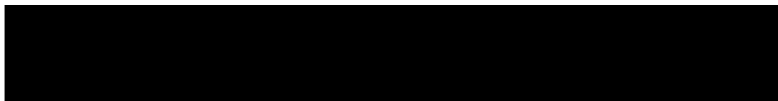
*Dr. S. P. JAGOTA
Joint Secretary and Legal Advisor
Ministry of External Affairs

Mr. I. C. JAIN
Law Officer
Ministry of External Affairs

Mr. D. C. KAPOOR
Chief Hydrographer to the
Government of India

Seabed Committee Session						Org. Conf. Dec 73
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
			X			
	X	X	X			
					X	
					X	
		X		X	X	
X	X	X	X	X	X	X
			X			
	X		X			

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Name and Title	Seabed Committee Session						Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
H.E. Mr. N. KRISHNAN Ambassador Permanent Representative to the UN	X	X					
Mr. Dilip LAHIRI Second Secretary Permanent Mission to the UN					X		
Mr. P. M. S. MALIK First Secretary Permanent Mission to the UN	X			X			
Dr. N. K. PANIKKAR Director National Institute of Oceanography Panaji, Goa		X		X			
Dr. G. RAMASWAMY Chief (Exploration, Planning and Development) Ministry of Petroleum and Chemicals						X	
*Mr. C. V. RANGANATHAN Counsellor Embassy of India, Bonn	X	X	X	X		X	
*Mr. P. Chandrasekhara RAO Legal Adviser Permanent Mission to the UN	X				X		X
Mr. K. L. SARMA Assistant Legal Adviser Ministry of External Affairs		X				X	
*H.E. Mr. Samarendranath SEN Ambassador Extraordinary and Plenipotentiary Permanent Representative to the UN (replaced by Rikhi JAIPAL in June 1974)			X		X		X

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Name and Title

Mr. Ranjit SETHI
First Secretary
Permanent Mission to the UN

Mr. Prem SINGH
First Secretary
Permanent Mission to the UN

Seabed Committee Session						Org. Conf. Dec 73
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
						X
					X	

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Part II - Background Information

Geography

World region: South Asia
Category: coastal
Bordering states: Pakistan, People's Republic of China, Nepal, Bhutan, Burma, Bangladesh
Bordering bodies of water: Indian Ocean (Bay of Bengal, Laccadive Sea and Arabian Sea)
Bordering straits: Palk Strait
Area of continental shelf: 131,800 sq. n. mi. (includes centrally administered island territories); shared with Sri Lanka
Area to 200 n. mi. limit: 587,600 sq. n. mi. (includes centrally administered island territories)
Area to edge of continental margin: 339,700 sq. n. mi. (includes centrally administered island territories)
Coastline: 4,378 mi. (includes offshore islands)
Land: 1,211,000 sq. mi. (includes Indian-held part of Jammu-Kashmir, Sikkim, Goa, Damao and Diu)
Population: 581,488,000 (includes Indian-held part of Jammu-Kashmir)

Industry and Trade

GNP: \$56 billion (current prices 31 March 1973); less than \$100 per capita
Major industries: textiles, food processing
Exports: \$2.5 billion (f.o.b., FY72); tea, jute manufactures, iron ore, cotton textiles, leather and leather products
Imports: \$2.3 billion (c.i.f., FY72); machinery and transport equipment, petroleum, iron and steel, grains and flour
Major trade partners: U.S., U.K., U.S.S.R. and Eastern Europe, Japan
Merchant marine: 257 ships (1,000 GRT or over) totaling 2,859,800 GRT; 3 passenger, 198 cargo, 12 tanker, 35 bulk, 9 specialized carrier

Marine Fisheries

Catch: 1.9 million metric tons (FY71-72); exports \$52 million, imports \$100,000 (FY71-72)
Economic importance: significant national, major local
Ranking: 6 worldwide, 1 regional
Nature: primarily coastal, limited distant-water
Species: oil sardine, mackerel, Bombay duck, prawn, shrimp
Marine fisheries techniques: primarily artisanal, limited modern
Other countries fishing off coast: Japan, South Korea, U.S.S.R., Pakistan, Bangladesh, Sri Lanka

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Petroleum Resources

Crude oil: proved recoverable reserves - 949 million 42-gal.
(128 million metric tons) onshore; production - 54.7 million
42-gal. bbl. (7.4 million metric tons) onshore (1971)
Natural gas: proved recoverable reserves - 1,500 billion cubic feet
(42 billion cubic meters) onshore; production - 51 billion cubic
feet (est.) (1.4 billion cubic meters (est.)) onshore (1971)

Navy

Ships: 1 aircraft carrier, 2 light cruisers, 19 destroyers and escorts,
8 large guided missile boats, 6 submarines, 17 coastal patrol craft,
8 mine warships, 3 amphibious ships, 19 auxiliary ships, and about
45 service craft

Government Leaders

Prime Minister: Indira Gandhi
Minister of External Affairs: Swaran Singh

Multilateral Conventions

International Convention for the Safety of Life at Sea, 1966 (IMCO)
Regulation for the Prevention of Collisions of Vessels at Sea, 1966 (IMCO)
International Convention on Load Lines, 1966 (IMCO)
Nuclear Test Ban Treaty, 1963
Agreement for the Establishment of the Indo-Pacific Fisheries Council,
1948

Multilateral Declarations

Lusaka (non-aligned) Declaration, 1970

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<u>Present Ocean Claims*</u>			
<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1878	3 n. mi.	U.K. Territorial Waters Jurisdiction Act
	1956	6 n. mi.	Ministry of External Affairs No. S.R.O. 699 of Mar. 22, 1956
	1967	12 n. mi.	President's Proclamation Sept. 30, 1967
Continental Shelf	1955	Seabed and sub- soil only	<i>U.N. Doc. A/AC, 135/11/Add. 1</i> <i>p. 13</i>
	1959	Seabed and sub- soil to depth of 200 m. or to where depth admits of exploitation.	Petroleum and Natural Gas Rules, 1959, Art. 3
Exclusive Fishing	1956	6 n. mi.	Ministry of External Affairs No. S.R.O. 2920, Dec. 3, 1956
	1973	12 n. mi.	<i>Contiguous Zone</i>
Fisheries Conservation	1956	12 + 100 n. mi.	President's Proclamation of Nov. 29, 1956, (Doc. A/CONF. 19/5, under India (a)) <i>Reserve the right to proclaim 100 miles from outer limit of territorial sea</i>
Customs	1956	12 n. mi.	President's Proclamation of Dec. 3, 1956 (Doc. A/CONF. 19/5)
Sanitary	1956	12 n. mi.	

*Principal source: Limits in the Seas, National Claims to Maritime
Jurisdiction, State Dept./INR, March 1973, and Revisions.

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Action on Significant UN Resolutions

Moratorium Resolution

(A/RES/2574 D, XXIV, 12/15/69)

Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.

In favor

LOS Conference

(A/RES/2750 C, XXV, 12/17/70)

Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.

In favor

LOS Conference, Timing and Site

(A/RES/3029 A, XXVII, 12/18/72)

Co-Sponsor

Indian Ocean as a Zone of Peace

(A/RES/2992, XXVII, 12/15/72)

Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.

Co-Sponsor

Landlocked/Shelf-Locked Study Resolution

(A/RES/3029 B, XXVII, 12/18/72)

Called for study of extent and economic significance in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.

Abstain

Peruvian Coastal State Study Resolution

(A/RES/3029 C, XXVII, 12/18/72)

Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.

In favor

Permanent Sovereignty over Natural Resources

(A/RES/3016 XXVII, 12/18/72)

Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.

In favor

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Membership in Organizations Related to LOS Interests

ADB.	Asian Development Bank
Colombo Plan	Colombo Plan for Co-operative Economic Development in South and Southeast Asia
Commonwealth	Commonwealth of Nations
ECAFE.	Economic Commission for Asia and the Far East
FAO.	Food and Agriculture Organization
IAEA	International Atomic Energy Agency
IBRD	International Bank for Reconstruction and Development
ICAO	International Civil Aviation Organization
IDA.	International Development Association (IBRD affiliate)
IFC.	International Finance Corporation (IBRD affiliate)
IHB.	International Hydrographic Bureau
ILO.	International Labor Organization
IMCO	Intergovernmental Maritime Consultative Organization
IMF.	International Monetary Fund
Seabed Committee . . .	United Nations Committee on the Peaceful Uses of the Seabed and Ocean Floor beyond the Limits of National Jurisdiction
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
WHO.	World Health Organization
WMO.	World Meteorological Organization
	Indian Ocean Fisheries Commission (FAO affiliate)
	Indo-Pacific Fisheries Council (FAO affiliate)

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UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
LIMITED

A/AC.138/SC.II/L.38
16 July 1975

ORIGINAL: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

DRAFT ARTICLES ON FISHERIES

(by Canada, India, Kenya and Sri Lanka)

- Note: 1. The substance of this proposal is complementary to the concept of the exclusive economic zone and should be considered as a part thereof.
2. The proposal is presented to promote discussion on the subject around a concrete text and does not necessarily reflect the final views of the sponsoring delegations.

ARTICLE I

A coastal State has a right to establish an exclusive fishery zone beyond its territorial sea. In this zone the coastal State shall exercise sovereign rights for the purpose of exploration, exploitation, conservation and management, over the living resources, including fisheries, and shall adopt from time to time such measures as it may deem necessary and appropriate. The living resources may be plant or animal, and may be located on the water surface, within the water column, on the sea bed or in the subsoil thereof.

ARTICLE 2

The exclusive fishery zone may not extend beyond nautical miles*/
from the baseline from which the breadth of the territorial sea is measured.

ARTICLE 3

Each coastal State shall notify to the Authority designated for the purpose by the Conference on the Law of the Sea the limits of the exclusive fishery zone defined by co-ordinates of latitude and longitude or by any other internationally recognised method and marked on large scale charts officially recognised by that State.

*/The figure for the nautical miles in this Article will correspond to the figure mentioned for the concept of the exclusive economic zone.

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ARTICLE 4

The coastal State may allow nationals of other States to fish in its exclusive fishery zone, subject to such terms, conditions and regulations as it may from time to time prescribe. These may, inter alia, relate to the following:

- (a) Licensing of fishing vessels and equipment, including payment of fees and other forms of remuneration;
- (b) Limiting the number of vessels and the number of gear that may be used;
- (c) Specifying the gear permitted to be used;
- (d) Fixing the periods during which the prescribed species may be caught;
- (e) Fixing the age and size of fish that may be caught;
- (f) Fixing the quota of catch, whether in relation to particular species of fish or to catch per vessel over a period of time or to the total catch of nationals of one State during a prescribed period.

ARTICLE 5

Neighbouring developing coastal States shall allow each other's nationals the right to fish in a specified area of their respective fishery zones on the basis of long and mutually recognised usage and economic dependence on exploitation of the resources of that area. The modalities of the exercise of this right shall be settled by agreement between the States concerned. This right will be available to the nationals of the State concerned and cannot be transferred to third parties by lease or license, by establishing joint collaboration ventures, or by any other arrangement. Jurisdiction and control over the conservation, development and management of the resources of the specified area shall lie with the coastal State in whose zone that area is located.

ARTICLE 6

Nationals of a developing landlocked State shall enjoy the privilege to fish in the neighbouring area of the exclusive fishery zone of the adjoining coastal State on the basis of equality with the nationals of that State. The modalities of the enjoyment of this privilege and the area to which they relate shall be settled by agreement between the coastal State and the landlocked State concerned. This privilege will be available to the nationals of the landlocked State concerned and cannot be transferred to third parties by lease or license, by establishing joint collaboration ventures, or by any other arrangement. Jurisdiction and control over the conservation, development and management of the resources of the specified area shall lie with the coastal State in whose zone that area is located.

ARTICLE 7

No State exercising foreign domination or control over a territory shall be entitled to establish an exclusive fishery zone or to enjoy any other right or privilege referred to in these Articles with respect to such territory.

ARTICLE 8

A coastal State has a special interest in the maintenance of the productivity of the living resources of the area of the sea adjacent to the exclusive fishery zone, and may take appropriate measures to protect this interest. A coastal State shall enjoy preferential rights to the resources of this area and may reserve for its nationals a portion of the allowable catch of these resources corresponding to its harvesting capacity.

ARTICLE 9

Regulations may be made on a regional basis for the exploration, exploitation, conservation and development of the living resources of the area of the sea outside the limits of the exclusive fishery zone, where these resources are of limited migratory habits and breed, feed and survive on the resources of the region. The States of the region may establish these regulations by entering into an agreement or convention between themselves, or request the Authority, designated for the purpose by the Conference on the Law of the Sea, to formulate these regulations for the region subject to ratification by them.

ARTICLE 10

In respect of fisheries of highly migratory habits outside the limits of the exclusive fishery zone, regulations for their exploration, exploitation, conservation and development shall be made by the Authority designated for the purpose by the Conference on the Law of the Sea.

ARTICLE 11

(On Anadromous Species)

ARTICLE 12

All fishing activities in the exclusive fishery zone and the rest of the sea shall be conducted with due regard to the interests of the other States in the legitimate uses of the sea. In the exercise of their rights, the other States shall not interfere with fishing activities in the exclusive fishery zone.

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ARTICLE 13

The jurisdiction and control over all fishing activities within the exclusive fishery zone shall lie with the coastal State concerned. Any difference or dispute concerning the limits of the zone or the interpretation or validity of the terms, conditions or regulations referred to in Article 5, or the interpretation and application of these Articles shall be settled by the competent institutions of the coastal State concerned.

Any difference or dispute concerning fishing activities outside the exclusive fishery zone shall be referred to the Authority designated for the purpose by the Conference on the Law of the Sea.

ARTICLE 14

(Final clauses, etc.)

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

A/AC.138/SC.II/L.38/Corr.L
17 July 1973
ENGLISH AND RUSSIAN ONLY

DRAFT ARTICLES ON FISHERIES

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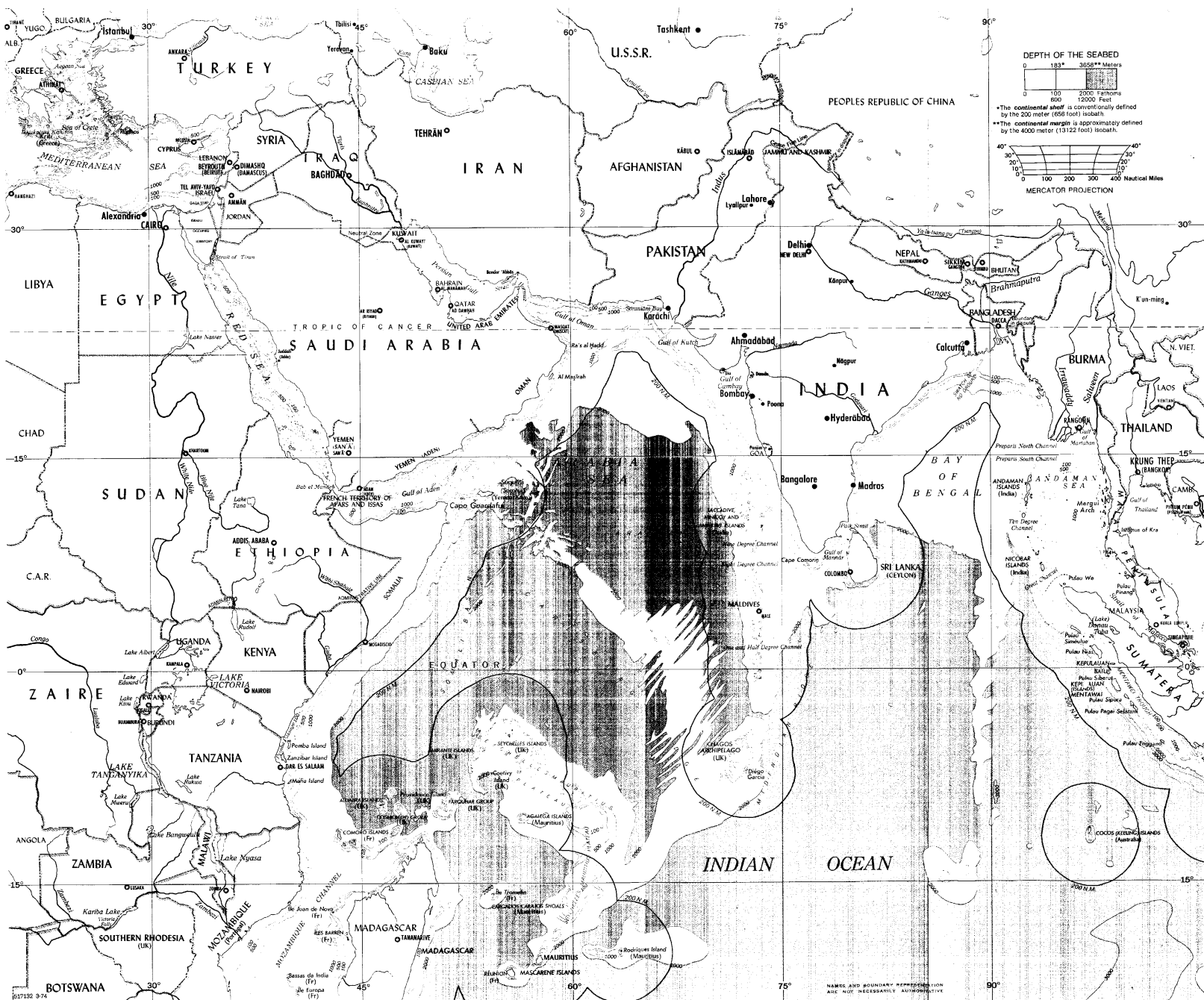
Corrigendum

Page 1

ARTICLE 1 should read

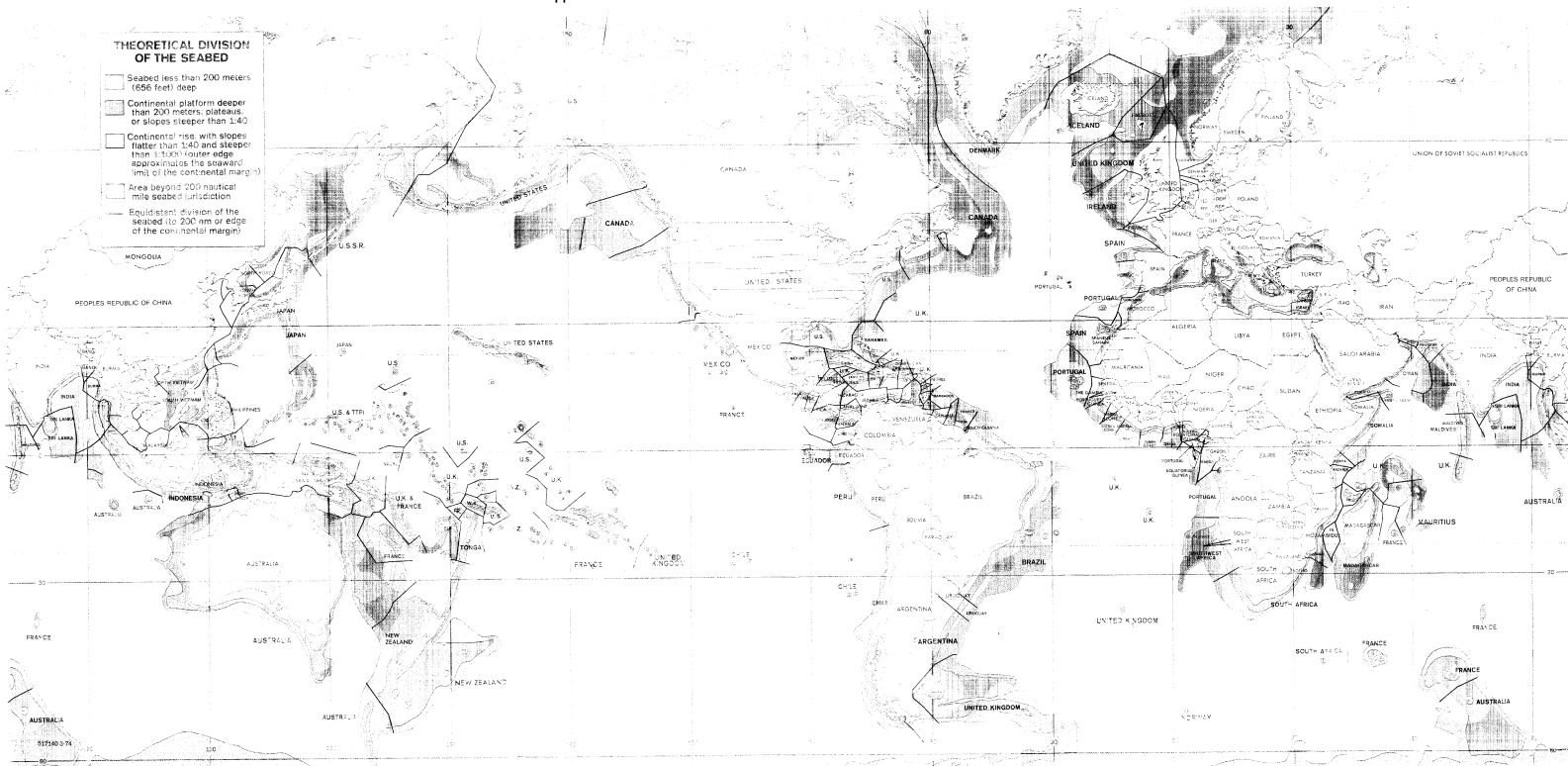
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